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ABSTRACT

The nonpublic schools of New York State spare the taxpayers the cost of educating, at public school rates, 15.5% of the state's elementary and secondary school population. The future looks good for these schools in that enrollment trend data indicates a stable enrollment with some possible increases. However, a stabilized enrollment means increasing numbers of state parents agitated about being financially penalized for exercising their free choice in education. The number of groups organized to promote nonpublic education is growing and pressing to change this country's status as the only major free world nation that does not subsidize parental educational choice. Nonpublic schools provide quality education and preserve diversity of educational opportunity. These schools enable the varied heritages and ethnic values of a pluralistic citizenry to be maintained. The "whole" student is developed, morally and spiritually as well as physically and mentally. These schools have been successful in the inner cities and ghettos, and have helped stem urban flight. Nonpublic schools contribute to the education of the handicapped, but are handicapped themselves by the lack of funds needed for special but expensive services. While desire for nonpublic education is increasing and these schools contribute to the well-being of the public, their future is endangered by the lack of financial support from the public. (Author/BC)

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OCCASIONAL PAPER #25

THE ROLE AND SIGNIFICANCE OF NONPUBLIC EDUCATION IN NEW YORK STATE*

ELINOR R. FORD

SP 011 111

Public Law 93,380,
Section 842 Staff

Orlando F. Furno, Director
James M. Gaughan
Robert Hennigan

OCCASIONAL PAPER

THE ROLE AND SIGNIFICANCE OF NONPUBLIC EDUCATION IN NEW YORK STATE*

Any consideration of the nonpublic elementary and secondary schools of New York State must begin with an examination of the role and significance of these schools. Nonpublic schools, for the purposes of this report, are defined as any elementary or secondary school satisfying the compulsory education requirements of the State of New York, but owned, supported and administered by private individuals, groups or agencies. The nonpublic schools are commonly divided into two groups, the denominational schools and the independent schools.

As its name implies, the denominational school is one sponsored by or affiliated with a particular Church group. In addition to quality secular education these schools offer their students training in their religious faith, and an opportunity to practice in their daily lives the religious and moral values inherent in that faith. The denominational schools of the State constituted 89.6% of the 1976-77 nonpublic school population of the State, and 13.9% of the State's total elementary and secondary school populations for the same year.

The independent school, although its sponsors and/or administrators may be of a particular religious denomination, such as, Presbyterian, Roman Catholic, Quaker or Episcipal, does not offer

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*Chapter prepared by Elinor R. Ford, Professor of Education, Fordham University, for Task 8 of the New York State School Finance Law Study Project (Section 842), at the request of the New York State Education Department.

a program of training in any religious faith. Instead such schools offer a style of quality education based on the school's philosophy which is derived from its charter of incorporation and from the actions of its Board of Trustees.

Table 1.1 describes the actual 1976-77 nonpublic school enrollment according to the seven nonpublic school categories established by the Information Center on Education of the New York State Education Department. Table 1.2 gives a five year (1972-1977) comparison of the nonpublic school enrollments in New York State. Table 1.3 compares the 1975-76 New York State nonpublic school enrollment with the national nonpublic school enrollment for the same year. (The year 1975-76 was chosen since no later national figures were available at the time of the compilation of this report.)

From this data emerges the two most significant factors about nonpublic education in New York State. The first is the substantial size of the student population served by the State's nonpublic schools as they continue a three century tradition of freely giving both State and country well educated youth who have been shown the importance of the moral values upon which this nation was built. For the nonpublic schools of New York State educate today, without any substantive governmental support, 15.5% of the total elementary and secondary school population of the State. In the urban areas of the State, especially in the poorer neighborhoods, this percentage is even higher. For example, in 1976-77 there were 1,077,097 pupils enrolled in the New York City public elementary and secondary schools, and among the nonpublic schools of New York City the Roman Catholic elementary

TABLE 1.1

NEW YORK STATE NONPUBLIC SCHOOL ENROLLMENT

BY RELIGIOUS AFFILIATION

1976-1977*

Group	Enrollment	Percent of Total
State Total	606,210	100.0
Roman Catholic	469,249	77.4
Jewish	47,890	7.9
Lutheran	10,187	1.7
7th Day Adventist	3,305	0.5
Episcopal	5,847	1.0
Other Religion[1]	6,691	1.1
Nondenominational[2]	63,041	10.4

*Source: Information Center on Education; The State Education Department, Albany, New York.

[1]Includes Society of Friends (Quakers), Mennonite, Greek Orthodox, Russian Orthodox, Presbyterian, and Baptist.

[2]Includes Division for Youth schools, State Schools for the Blind and Deaf, and campus schools operated by the State University of New York.

TABLE 1.?

NEW YORK STATE FIVE YEAR STUDY

OF NONPUBLIC SCHOOL ENROLLMENT

BY RELIGIOUS AFFILIATION

FOR 1972-1973 TO 1976-77*

	Enrollment				
	1972-73	1973-74	1974-75	1975-76	1976-77
State Total	718,442	678,553	643,812	621,345	606,210
Roman Catholic	589,366	548,875	512,629	486,819	469,249
Jewish	41,209	43,390	45,515	48,118	47,890
Lutheran	10,557	10,341	10,160	10,105	10,187
7th Day Adventist	3,004	2,916	2,961	3,138	3,305
Episcopal	6,472	6,331	6,454	6,159	5,847
Other Religion[1]	5,091	5,474	5,863	6,441	6,691
Nondenominational[2]	62,743	61,226	60,230	60,565	63,041
Nonpublic as Percent of State Total	17.1	16.5	15.9	15.5	15.5

Source: Information Center on Education; The State Education Department, Albany, New York.

[1]Includes Society of Friends (Quakers), Mennonite, Greek Orthodox, Russian Orthodox, Presbyterian, and Baptist.

[2]Includes Division for Youth schools, State Schools for the blind and deaf, and campus schools operated by the State University of New York.

TABLE 1.3

UNITES STATES AND NEW YORK STATE
NONPUBLIC SCHOOL ENROLLMENT
BY RELIGIOUS AFFILIATION
1975-1976

Group	Enrollment			
	New York State	Percent of State Nonpublic	United States	Percent of Nation Nonpublic
Roman Catholic	486,819	78.4	3,415,000	75.90
Jewish	48,118	7.7	90,538[1]	2.01
Lutheran	10,105	1.6	212,908[2]	3.68
7th Day Adventist	3,318	0.5	71,539	1.60
Episcopal	6,159	1.0	76,556[3]	1.70
Other Religion	6,441[4]	1.0	316,608[5]	7.04
Nondenominational	60,565[6]	9.8	314,504[7]	6.99
Total	621,345	100.0	4,497,653	100.00

[1]Includes National Society for Hebrew Day Schools (Orthodox), Solomon Schechter Day Schools (Conservative) and Reform Jewish.

[2]Includes Missouri Synod, American Lutheran and Wisconsin Synod.

[3]Includes Parish Day Schools and Nonparish Schools.

[4]Includes Society of Friends, Mennonite, Greek Orthodox, Russian Orthodox, Presbyterian and Baptist.

[5]Includes Calvinist Schools; Evangelical Schools; Friends Schools; Greek Orthodox Schools; Mennonite Schools.

[6]Includes Division of Youth Schools, State schools for the blind and deaf and campus schools operated by the State University of New York

[7]Includes National Association of Independent Schools, Military Schools and Nonpublic Alternative (Free) Schools.

and secondary schools alone enrolled 280,129 students which was 26% of the City's public school population, or 21% of the public and Roman Catholic combined school population.

The second significant factor about the nonpublic schools is that their enrollment trends, as revealed by Table 1.2, show that these schools have stabilized their enrollments, and can be expected to educate a considerable proportion of New York State's school age children for a long time to come. What makes this trend data especially important is that it contradicts the Fleischmann Report (1973) that predicted the enrollment in all nonpublic schools of New York State would decline between 1970 and 1980 by 47% and in the Catholic schools by 55% (p.403). The present bullish predictions about the future of nonpublic schools in the State is also supported by information reported in Gupte's (1977) recent article in the New York Times. The article quotes New York City parochial school officials as stating that they expected their 1977-78 enrollments to be higher than last year, and independent school spokesmen as expecting an increase of about 5000 students in their schools. The increases in enrollment in both cases were being "interpreted as a sign that the corrosion of the system nonpublic schools has finally been stemmed" (p.1).

As nonpublic school enrollments stabilize and even increase, there can be expected a substantial growth in the number of New York State citizens who will continue to demand that government financially support their constitutional right to choose an alternative ~~to~~ public education, and to have their present burden of double educational taxation releived. The number of national and

state groups concerned with nonpublic education is also growing. The most well known, the Council for American Private Education (CAPE), is a federation of all kinds of nonpublic schools from the elementary through the university levels. Its purpose is to promote the interests of such schools by speaking with one voice at the national level on issues of mutual concern on the "right to be different, the mutual acceptance and mutual protection of diversity in education" (Krauschaar, 1976, p.359). Other groups are: Washington [State] Federation of Independent Schools which has representation from the denominational schools; Citizens for Educational Freedom; New York State Federation of Catholic School Parents; National Forum of Catholic Parent Organizations; and the Catholic League for Religious and Civil Rights. There is also a Parents Rights Coalition which is a grass roots movement of Catholic parents who want a vehicle for speaking out on many issues at all levels of government. The right to subsidized parental choice in education is one of its major issues. Other religious denominations have approached the Parents Rights Coalition for assistance in establishing a similar coalition for their constituencies.

There exist organizations concerned with a group of nonpublic schools that do not fit the traditional definition of either a denominational or an independent school. These schools are of recent origin and are variously termed: community, free, freedom, new, and parent cooperatives. For example, in 1976 the Harlem Parents Union was set up when eight Harlem families tested the compulsory education law by keeping a total of twelve of their children out of school and providing them with private tutoring. They demanded that the cost of this tutoring be subsidized by the

government through a voucher style plan. Among the organizations serving as communication networks for the difference kinds of alternative nonpublic schools are: National Coalition of Alternative Schools, the Alternative Schools Network, and the New School Exchange.

Other groups are also beginning to espouse the cause of nonpublic education. September, 1977 the New York Chapter of the Congress of Racial Equality (CORE) donated fifty thousand dollars so that parents of a closed Catholic parochial school in the South Bronx could reopen it as an alternative school. In commenting on CORE's action Victor Solomon, its director of educational affairs, said: "So far we've served in an advocate role, trying to make the public schools better. Now we're beginning to think about alternatives. Other people have them; why not poor people, why not blacks (Hoyt, 1977, p.49)?

A growing number of the public is also being heard speaking out for nonpublic education. One example is George Will's recent comments on the Packwood-Moynihan bill: "Tuition Tax Credit Act of 1977." In his Newsweek article Will explained why the diversity provided by nonpublic education must be preserved, and why it is constitutionally right for government to subsidize a parent's choice of nonpublic education:

> When the First Amendment was written, nine of thirteen states had "established" churches. In 1977, the dangers that prompted the "establishment" clause (denominational control of government; political conflict between denominations) are negligible. The dangers of government's near-monopoly of education are clear and present. There is ample evidence for the widespread belief that public schools bend to educational fads, are delivering less while costing more and would be improved by more competition from private schools. But the cost of public education is drying up families' resources for alternative

> schooling....There is no more sensitive sphere of social policy than education, especially at the primary and secondary levels. There the state touches a nerve center of human life, the rearing of children. Government and <u>especially</u> government in a society that wants to remain open and free, must concern itself with the education of rising generations of citizens. But the Court has held that the Bill of Rights prevents a state from compelling children to attend public schools....
>
> The central importance of the Packwood-Moynihan Bill is that it would use the government to nurture the diversity that the Constitution permits, diversity that the normal tendency of a large state is to supress (1977, p. 104).

To provide a platform for the articulate spokesmen and scholars of nonpublic education the Center for Independent Education has been established with headquarters in Menlo Park, California. The Center conducts symposiums in various parts of the country, and publishes a newsletter, <u>Inform</u>, to promulgate the findings and the thinking of those concerned with the importance and rights of nonpublic education.

Roots of American Nonpublic Education

American history demonstrates that diversity in education for a pluralistic citizenry has always been a part of the American tradition. For nonpublic education in this country had its roots in colonial times when, as described by Krauschaar (1976), "the colonists conceived schooling as an extension of the family, the church, and the apprenticeship system rather than as a function of government" (p.7). A variety of nonpublic schools existed in colonial times. There were schools operated by the dominant Church group of the colony, dame schools, Latin grammar schools and town schools. Following the American Revolution both the independent

and the denominational academies were established.

The support system for each of these schools derived from its sponsorship. Yet the history of this era abounds with examples of how public monies were used repeatedly to subsidize many of these schools when they were struggling to provide basic education for the young. In fact between 1795 and 1825 all the schools in New York City received grants of state monies, and at this time all of these schools were denominational. It was not until 1842 that the New York State Legislature passed a law forbidding state aid to denominational schools. The passage of this law was due in large measure to the influence of the Public School Society and of Horace Mann who believed that "the schools could instruct the young in religion without being sectarian" (Krauschaar, 1976, p.21). But what Horace Mann did was to support a trend that would end not just with the removal of religion from the sponsorship of the free public school, but with the removal of religion from free school education itself. Even the uneducated immigrants realized that this was happening and so, from their poverty, they supported the establishment of schools that would put religious training back into education.

The nonpublic schools of America were born in a spirit of Church-State cooperation and peaceful coexistence. For almost three quarters of a century no constitutional conflict was seen when public monies were used to support schools that not only educated youth, but also trained them to love the Supreme Being and adhere to the moral principles upon which this nation was founded and from which its Constitution evolved. But today because of a distorted interpretation of the First Amendment, not intended by

the Founding Fathers, large numbers of Americans are financially penalized for exercising their constitutional right, as reaffirmed by the Supreme Court in 1925 (Pierce v. Society of Sisters), to send their children to a parochial school or other private school of their choice. Today, the United States, the model for the modern free republic is the only major such nation in Europe and in the Americas, NOT to provide tax funds for the education of children in the nonpublic school of the parent's choice.

The Academic Excellence Of Nonpublic Schools

The nonpublic schools significantly impact the State and nation by providing quality education to 15.5% of the State's school age population. The claim to academic excellence can be substantiated by reference to the following:

1. The New York State Education Department's Bureau of Nonpublic School Services;
2. Data from the New York State Testing Program;
3. Data from the New York State Regents Examination Program;
4. Data from the New York State Regents Scholarship Examination Program;
5. Data from the recently constituted New York State Minimum Competency Examination Program; and
6. The attestation of the local public school superintendent that the nonpublic schools within his district offer educational programs that provide the students with secular instruction comparable to that being received in the public schools.

The New York State Bureau of Nonpublic School Services. The New York State Education Department describes this Bureau's supervisory duties as:

> It coordinates the programs of state aid to the nonpublic schools under the law, sees that the schools are meeting minimum requirements, and acts as a focal point for contacts between nonpublic school officials and other units within the department (1975, p.5).

Between September, 1970 and September, 1977 the Bureau visited 1,459 nonpublic elementary and secondary schools in the State. In fact all nonpublic schools of the State have been visited except for some in New York City. The Bureau expects to complete the visitation of these schools no later than June, 1979. Among the areas considered during such nonpublic school visitations are:

1. School enrollment
2. Attendance registers and pupil accounting procedures
3. Conditions of the physical facilities including the playground, cafeteria, sanitary facilities, library and gymnasium
4. ESEA Title Programs
5. New York State Textbook Loan Program
6. Health and welfare services
7. Federal Lunch Program
8. Transportation
9. New York State minimum requirements for curriculum and instruction
10. Pupil evaluation and examination procedures including the New York State "PEP" tests and minimum competency tests
11. Special areas of concern and exemplary programs

The New York State Testing Program. This is an annual Fall standardized testing program, mandated by the State, in reading and mathematics. Until 1971 these examinations were required of all third, sixth and ninth graders in both public and nonpublic schools. Since 1971 these tests have only been required of the third and

and sixth graders. Tables 1.4, 1.5, and 1.6 give a five year summary (1966, 1972-1975) of the test results for the various public school groups and for the nonpublic schools of New York State. The percentages of pupils scoring above the Statewide Reference Point, used in these tables, refers to the percent of students in each grouping who achieved higher scores than the lowest three achievement levels of the 1966 PEP reading and mathematics tests that were used as the baseline reference point. For example, Table 1 of Table 1.4 shows that for the year 1975 88% of the nonpublic school third graders received reading scores that placed them in the fourth or higher achievement levels on this test.

An examination of all the tables demonstrates that the nonpublic schools did well in both the reading and mathematics tests at all grade levels tested. In fact the data shows that these schools did as well or better than their public school counterparts. The record of these tables is supported by the reputation for academic excellence that the nonpublic schools have. According to Hoyt (1977) this reputation is especially well deserved among the nonpublic schools that serve the urban poor. To document this latter belief Table 1.7 offers the Spring, 1976 standardized test results for the students in the inner-city schools of the Archdiocese of New York whose school populations consist mainly of students from minority groups, especially Hispanics and blacks. Table 1.7 shows that the average scores of the third, fourth, fifth, sixth and seventh graders in these schools are either at or very close to the national norms in reading, language arts and mathematics.

TABLE 1.4

NEW YORK STATE PUPIL EVALUATION PROGRAM*

TABLE 1: Third-Grade Reading: Percentage of Pupils Scoring Above the Statewide Reference Point for Various Types of Schools and Communities -- October 1966, 1971-75

Type of School & Community	1966	1971	1972	1973	1974	1975
Public						
New York City	53%	55%	58%	58%	64%	62%
Large City	69	60	64	66	70	73
Smaller City	80	79	80	81	82	84
Vill-Suburban	86	86	86	87	88	90
Rural	84	83	83	83	84	86
Total Public	74%	73%	75%	75%	78%	79%
Nonpublic						
New York City	84%	84%	84%	82%	84%	85%
Other	90	90	90	90	90	91
Total Nonpublic	87%	87%	87%	86%	87%	88%
COMBINED TOTAL	77%	76%	77%	77%	80%	81%

TABLE 2: Sixth-Grade Reading: Percentage of Pupils Scoring Above the Statewide Reference Point for Various TYpes of Schools and Communities -- October 1966, 1971-75

Type of School & Community	1966	1971	1972	1973	1974	1975
Public						
New York City	55%	50%	52%	49%	52%	51%
Large City	70	55	55	57	57	58
Smaller City	80	74	75	74	73	73
Vill-Suburban	85	81	82	82	81	81
Rural	83	79	77	79	79	79
Total Public	74%	70%	70%	70%	70%	70%
Nonpublic						
New York City	83%	81%	80%	77%	77%	76%
Other	91	88	88	87	86	85
Total Nonpublic	87%	84%	84%	82%	81%	81%
COMBINED TOTAL	77%	73%	73%	72%	72%	72%

*Source: Bureau of Pupil Testing and Advisory Services; State Education Department; Albany, New York.

TABLE 1.5

NEW YORK STATE PUPIL EVALUATION PROGRAM*

TABLE 3: Ninth-Grade Reading: Percentage of Pupils Scoring Above the Statewide Reference Point for Various Types of Schools and Communities -- October 1966, 1972-75

Type of School & Community	1966	1972	1973	1974	1975
Public					
New York City	62%	51%	49%	53%	51%
Large CIty	74	56	56	55	56
Smaller City	80	71	71	70	70
Vill-Suburban	84	78	78	77	77
Rural	82	76	75	74	74
	75%	68%	67%	68%	68%
Nonpublic					
New York City	92%	86%	86%	84%	83%
Other	95	89	87	86	86
	93%	88%	87%	85%	84%
COMBINED TOTAL	77%	70%	70%	70%	70%

TABLE 4: Third-Grade Mathematics: Percentage of Pupils Scoring Above the Statewide Reference Point for Various Types of Schools and Communities -- Octover 1966, 1971-75

Type of School & Community	1966	1971	1972	1973	1974	1975
Public						
New York City	46%	61%	65%	62%	68%	68%
Large City	72	68	72	73	75	77
Smaller City	86	85	86	87	87	88
Vill-Suburban	90	91	91	91	92	93
Rural	89	88	88	89	89	90
Total Public	74%	79%	81%	80%	83%	84%
Nonpublic						
New York City	82%	86%	86%	86%	86%	87%
Other	88	92	92	92	93	93
Total Nonpublic	85%	89%	89%	89%	89%	90%
COMBINED TOTAL	77%	81%	82%	82%	84%	85%

*Source: Bureau of Pupil Testing and Advisory Services; State Education Department; Albany, New York.

TABLE 1.6

NEW YORK STATE PUPIL EVALUATION PROGRAM*

TABLE 5: Sixth-Grade Mathematics: Percentage of Pupils Scoring Above the Statewide Reference Point for Various Types of Schools and Communities -- October 1966, 1971-75

Type of School & Community	1966	1971	1972	1973	1974	1975
Public						
New York City	53%	49%	50%	46%	48%	47%
Large City	75	55	55	54	55	56
Small City	82	72	72	70	70	70
Vill-Suburban	86	79	79	77	77	78
Rural	87	78	76	76	74	74
Total Public	75%	68%	68%	66%	66%	67%
Nonpublic						
New York City	80%	76%	76%	74%	73%	73%
Other	88	86	84	83	81	81
Total Nonpublic	85%	81%	80%	78%	77%	77%
COMBINED TOTAL	77%	71%	70%	68%	68%	68%

TABLE 6: Ninth-Grade Mathematics: Percentage of Pupils Scoring Above the Statewide Reference Point for Various Types of Schools and Communities -- October 1966, 1972-75

Type of School & Community	1966	1972	1973	1974	1975
Public					
New York City	62%	42%	39%	42%	42%
Large City	76	50	50	46	48
Smaller City	81	71	69	68	68
Vill-Suburban	84	79	77	77	77
Rural	84	75	74	73	72
Total Public	75%	65%	63%	64%	64%
Nonpublic					
New York City	89%	84%	82%	80%	80%
Other	91	88	86	85	85
Total Nonpublic	90%	86%	84%	83%	82%
COMBINED TOTAL	77%	68%	66%	66%	66%

*Source: Bureau of Pupil Testing and Advisory Services; State Education Department; Albany, New York

TABLE 1.7

AVERAGE STANDARDIZED ACHIEVEMENT TEST SCORES

FOR SCHOOLS DESIGNATED AS TITLE I

IN THE ARCHDIOCESE OF NEW YORK*

SPRING 1976

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7
Reading	3-7	4-4	5-3	6-4	7-4
Language Arts	3-9	4-7	5-6	6-8	7-8
Mathematics	3-8	4-7	5-6	6-7	7-8
NATIONAL NORM	3-8	4-8	5-8	6-8	7-8

*Scores are given in average grade equivalents. Test taken was Science Research Associates Multi-Level Achievement Test.

Source: Office of the Superintendent of Schools, Archdiocese of New York.

The New York State Regents Examination Program. These are tests administered by the State Education Department for various secondary level subject disciplines. Not all students take these examinations, but those who do receive "Regents credit" and are eligible for a "Regents diploma" upon graduation from high school. The record of the nonpublic school students on these examinations also confirms the claim that the nonpublic schools offer quality education. For example, in June, 1976 the nonpublic schools enrolled 12.2% of the students in grades 9-12 in the State, and 12.9% of the Regents examinations taken in the State at this time were written in nonpublic schools. The passing rate for the nonpublic schools was 78.8% which was comparable to the public school passing rate of 79.9%.

The New York State Regents Scholarship Examination Program. This is an examination given to twelfth graders to determine which students are eligible to receive scholarship grants from the State. Table 1.8 gives the 1975-76 Regents Scholarship Examination record for the nonpublic schools of the State. The table shows that 82.7% of the nonpublic school twelfth graders in the State took the examination and that 14.0% of those taking the examination won scholarships. There was no comparable data for the public schools for this year. However, some comparable information was available for the 1976-77 year. During this year there were 225,876 public school students and 34,358 nonpublic school students enrolled in the twelfth grade. In the public schools 56.1% of their twelfth graders took the scholarship examination while 84.6% of the nonpublic school twelfth graders participated. In the public schools 11.7% of those who took the examination, or 6.5% of the total

TABLE 1.8

NEW YORK STATE 1975-76 REGENTS SCHOLARSHIP EXAMINATION

RESULTS AMONG NONPUBLIC SCHOOL STUDENTS

BY SELECTED COUNTIES OF

NEW YORK STATE

Enrolled	Number Taking Exam.	Percent Taking Exam.	Number of Winners	Winners as Percent of Enrollment	Winners as Percent Taking Exam.
ERIE COUNTY					
Roman Catholic 2,679	2,604	97.2	228	8.5	8.8
Other Religions 7	0	0	0	0	0
Independent 327	305	93.3	75	22.9	24.6
TOTAL ERIE 3,013	2,909	96.5	303	10.1	10.4
NASSAU COUNTY					
Roman Catholic 2,060	1,985	96.4	247	12.0	12.4
Other Religions 296	230	77.7	38	12.8	16.5
Independent 124	80	64.5	15	12.1	18.8
TOTAL NASSAU 2,480	2,295	52.2	300	12.1	23.2

TABLE 1.8 (Continued)

Enrolled	Number Taking Exam.	Percent Taking Exam.	Number of Winners	Winners as Percent of Enrollment	Winners as Percent Taking Exam.
NEW YORK CITY					
Roman Catholic 13,052	11,006	84.3	1,644	12.6	14.9
Other Religions 2,543	1,443	56.7	426	16.8	29.5
Independent 2,244	1,501	66.9	496	22.1	33.0
TOTAL NEW YORK CITY 17,839	13,950	78.2	2,566	14.4	18.4
WESTCHESTER COUNTY					
Roman Catholic 1,824	1,582	86.7	115	6.3	7.3
Other Religions 37	29	78.4	1	2.7	3.4
Independent 363	196	54.0	24	6.6	12.2
TOTAL WESTCHESTER 2,224	1,807	81.3	140	6.3	7.7

TABLE 1.8 (Continued)

Enrolled	Number Taking Exam.	Percent Taking Exam.	Number of Winners	Winners as Percent of Enrollment	Winners as Percent Taking Exam.
ALL OTHER COUNTIES OF NEW YORK STATE					
Roman Catholic 8,344	7,557	90.6	696	8.3	9.2
Other Religions 315	51	16.2	8	2.5	15.7
Independent 943	495	52.5	69	7.3	13.9
TOTAL 9,602	8,103	84.4	773	8.1	9.5
TOTALS					
Roman Catholic 27,959	24,734	88.5	2,930	10.8	11.8
Other Religions 3,198	1,753	54.8	473	14.8	27.0
Independent 4,001	2,577	64.4	679	17.0	26.3
35,158	29,064	82.7	4,082	11.6	14.0

twelfth grade public school enrollment, won scholarships. In the nonpublic schools 13.8% of those who took the examination or 11.6% of the total twelfth grade nonpublic school enrollment won scholarships.

The New York State Minimum Competency Examinations. These are a series of examinations given by the State Education Department in reading, mathematics, civics and citizen and citizenship, practical science and health, and writing skills that must be passed before a student is eligible for a diploma from a secondary school in New York State. Since this program has only recently been established, there is no significant data available on the record of nonpublic school students on these evaluations.

Nonpublic School Secondary School Graduates. A criteria often used to determine the effectiveness of secondary schools is the number of graduates who pursue postsecondary education. Given the varieties that exist among the nonpublic schools gathering data to this effect is not possible. However, some inferences can be made from existing data. It can be inferred from the following that a goodly number of nonpublic school students do go on for postsecondary education:

1. Since better than 80% of both the 1975 and 1976 twelfth graders took the New York State Regents Scholarship Examination, it can be hypothesized that a large number of these students had both the desire and the competence to do postsecondary work.

2. Since 13.8% of those who took the scholarship examination received awards, at least this number went on for further study.

3. Since 78.8% of the nonpublic school students who took Regents examinations passed them, it can be assumed that a substantial number of nonpublic school students graduated as "college capables."

It can also be inferred from a review of the nonpublic schools' five year record on the New York State "PEP" tests, that a majority of their students graduate with the basic skills needed to live their adulthood as contributing members of society.

In summary it can be stated that the record leaves no doubt that the nonpublic schools of New York State provide quality education to 15.5% of the State's school age youth.

OTHER CONTRIBUTIONS OF NONPUBLIC SCHOOLS

It has often been said that in addition to providing quality secular education, the nonpublic schools sustain diversity in American education by providing parents and students with a viable alternative to public education. What is this alternative? What makes the nonpublic school claim that it is "different where it counts?"

The difference derives from the freedom of the nonpublic school to address directly <u>all</u> aspects of the students's development, namely, his intellectual, social, emotional, physical, moral and spiritual growth. Moreover, the school is able to acknowledge that each of these dimensions of student growth is not a discrete element, and hence, must be nurtured in an environment that is designed to treat each in an integrated fashion. That a concern for such an integrated approach to human development is the hallmark of the nonpublic schools is reflected in their objectives. To under-

stand the different ways in which the various kinds on nonpublic schools attempt to achieve an integrated educational process, some representative views of these schools follow.

The Roman Catholic View of Education. The Roman Catholic view is best described by giving excerpts from the American bishops' latest official statement on Catholic schools:

> The integration of religious truth and value with the rest of life, which is possible in these [Catholic] schools, distinguished them from others....Generally these schools are notably successful educational institutions which offer not only high quality academic programs but also instruction and formation in the beliefs, values and traditions of Catholic Christianity. They are significantly effective in preparing students for life in today's Church and society. They instill in children and young people indispensable discipline of mind and heart....In a significant way Catholic schools bear witness to the importance of religion in our local civic communities and in our society as a whole....Without Catholic and other church-related schools, spiritual values would find less support in American society....New ways have been sought and put into effect by which the school can be of ever greater service to the community (United States Catholic Conference, 1976, pp.3-4).

The Jewish View of Education. Phenix (1961) pointed out correctly that there is no single Jewish philosophy of education. There do exist, however, some salient features of the Jewish outlook on Jewish education common to the various kinds of Jewish sponsored schools. Eugene Borowitz describes these:

> Man may be limited and small, but he can grow toward God because something in him corresponds to God. This is the first source of the Jewish motive and desire for education. But there is a second motive as well. Man is not just an animal that can educate himself to be more God-like. Man is a creature of history....Thus, we do not only consult our own experience, but we also study the records of men who went before, so that we can better understand ourselves and our relationship to the universe....Perhaps I can summarize it best by citing a statement given us by the Rabbis of the Talmud: "An ignorant man cannot be truly free." Whether we think of our education today as purely religious or in the broader sense of what it does to a man, of how it helps him fulfill his potentialities, it is clear that these statements help us to make religion and education primary goals of our life. If we wouls know ourselves and understand ourselves, we must study and we must learn. Education is not a luxury; it is the bread of life itself (1961, pp.87-89).

The Protestant View of Education. There are a multitude of views on education that can be called Protestant, and, therefore, views presented here are not to be taken as "the" Protestant view but rather as selected Protestant views on education. The first is Louis J. Voskuil's who speaks for the National Union of Christian Schools:

> It is also important to understand that the school is not a species of medieval fortress, designed to build isolating walls around the Christian community along with the home and school. Usually when this is attempted, one finds, once the walls are breached, that the Christians inside are weak and dependent, not the kind of vigorous soldiers described by Paul to the Ephesians. One cannot really institutionalize good or evil, although Christians historically have kept on trying to do just that. Christ's words that evil lies in man's heart should have ended that attempt long ago. It is true that the school should offer a kind of gradual, protective maturing, but the goal is a mature Christian warrior, not a ramparts guard....By the grace of God, he sees in part the truth that man is a creature made in the image of God, that man cannot live instinctively like an animal. He must seek meaning and direction. This is the core of education. Every society must educate. It must teach its young a world view to live by, and secondly, it must prepare them to fulfill a role (1975, p.7).

Merrimon Cuninggim's views on Protestant education are also presented here:

> Thus, according to a Protestant view of education, some appropriate way must be found of teaching in the schools that man does not live by bread alone, that God is, and that God is sovereign. Some people take the position that neutrality on this matter is desirable. The difficulty with this is that neutrality is not possible. No matter how desirable one or another person of whatever religious heritage, or of none, might feel it to be, it simply cannot be. Our schools and colleges are not neutral on many of the crucial issues of life - on freedom vs. slavery, for example, or on knowledge vs. ignorance, or on character vs. lack of it. And because educators make it clear that they believe in freedom and knowledge and character, sooner or later they must give those beliefs some kind of ultimate rootage, some kind of cosmic support....But religion must be united with education, for only as they are made partners have we any hope to see through to a better day (1961, pp.68-69).

The Independent School View of Education. Of all the non-public schools the independent are the most varied because some have a denominational flavor; others were established to expose students to particular educational philosophy or approach, such as, Montessori, Rudolph Steiner, Peter Petersen's "Jenaplan", or some version of the Summerhill plan. Still other independent schools follow the traditional model, or the "Country Day School" model, or the military model. Many of the independent schools belong to the National Association of Independent Schools (NAIS). Erickson (1976) identified three major trends among the nation's independent schools: " a shift in numbers from single sex to co-educational schools, from boarding to day schools and from military to nonmilitary schools" (pp.45-46).

More recently a new category of independent school has grown up. This category includes the community based alternative "free" schools that have been established because of parental dissatisfaction, especially in the urban poor areas, with the public schools or because the parents believed that the children's needs were not being met in the public schools. The Harlem Prep for dropout youngsters, that has now been incorporated into the New York City public schools, was an example of this kind of independent school. Erickson (1976) pointed out the level of growth of these schools when he reported that nationally in 1970-71 there were 340 such schools with 13,142 students, and in 1974-75 there were 467 alternative nonpublic schools serving 23,498 students. (p.57)

Since the independent schools are indeed varied, it is difficult to present a unified description of their objectives.

The excerpts that follow were chosen because they appear to be consistent with most of the independent school philosophies, and because they, like the denominational schools' objectives, demonstrate the integrated approach to education taken by the nonpublic schools.

The first excerpt is taken from a statement of the Washington [State] Federation of Independent Schools (WFIS):

> To promote a bigorous diversity in education to match our country's heritage of pluralism, taking care that the welfare and spirit of the whole society are enhanced in the process.
>
> To insure that all families have a realistic choice among schools for their children.
>
> To encourage a broad public commitment to excellence in education.
>
> To foster a close sharing by independent schools in the state's educational task.
>
> To insure that the public interest is well served by the state's independent schools through the maintenance of standards appropriate to the purpose of each institution (Krauschaar, 1976, p. 360).

Similar views are reflected in the following directive given to the trustees of independent schools in the National Association of Independent Schools (NAIS) handbook:

> Finally, the independnent school, like any nonprofit tax-exempt entity of a similar nature, has a responsibility beyond service to its immediate constituents and to independent education: it has a public responsibility that is in no way diminished by the fact that the institution is authorized to be under private management. It is a part of the vast enterprise of education in the United States, with an obligation to share its experience and its professional skill in the development of educational thought and practice. And it is a part, too, of its community, with a role to play in its well being (Parkman and Springer, 1974, pp. 1-2).

Some Documentation for the Value-Oriented Aspect of Nonpublic Schools. Clearly the views of nonpublic schools cited above highlight the concern of these schools for helping their students develop a set of values that will make them contributors to the well being of the State and of the nation. But has the value-oriented rhetoric of the nonpublic school objectives been successfully translated into the reality of the students' adult lives?

Fortunately some research has been done to answer this question. The National Opinion Research Center (NORC) in Chicago sponsored a replication recently of the 1963 NORC study on the effectiveness of the value-oriented education in the Roman Catholic schools of the United States. Andrew Greeley was the principal investigator in both studies, and he pointed out that he believed that the recent study was better because it was possible, given newer statistical techniques, to improve on the design and the data analysis of the 1963 study (1976, p.317).

Although the subject of the study was Roman Catholic schools and the respondents were Roman Catholics eighteen years or older, the results of the study are important to this report on nonpublic schools. This is so not just because the Roman Catholic schools constitute 77.4% of the State's nonpublic school population, but because there are more similarities than differences in the value-oriented education purported to be offered by most of the State's nonpublic schools, and the effectiveness of such value education was the focus of the NORC study.

The 927 participants in the study (57% female, 86% white, 81% between the ages of 21 and 59) were asked to respond to both

Impact of the Nonpublic Schools on the Urban Poor and on Minority Groups. But there is yet another contribution of the nonpublic schools to the State, and that is their positive impact on the urban poor and minority groups within the State.

Table 1.9 describes the racial and ethnic backgrounds of the State's nonpublic school students. These are statewide figures because there does not exist a racial/ethnic breakdown of the nonpublic school population for given areas of the State. It is known, however, that the Roman Catholic schools in the Bronx and Manhattan alone have 77 schools that are considred by the Archdiocese of New York to be schools serving mainly the poor of New York. For of the 77 schools 64 of them have 50% of their student population who live at or below the poverty level, and in 36 of these 64 schools the percentage of such students is greater than 85%. Just in Manhattan alone in 1976-77 there were 18,421 students in the Roman Catholic elementary schools, and 78% of these students were identified as Hispanic, black, Oriental or belonging to another minority group.

That nonpublic schools are meeting the educational needs of the urban poor, is evident from the large numbers of parents who either send their children to these schools or are waiting for an opening for them. Many of the students in these schools are not Roman Catholic. This is especially true for those schools that service the black community. The common denominator for all of these parents is not Church affiliation, but poverty and the realization that they are made poorer because government will not subsidize their right to choose the school in which their children will be educated.

TABLE 1.9

NEW YORK STATE RACIAL/ETHNIC DISTRIBUTION

OF NONPUBLIC SCHOOL STUDENTS

BY RELIGIOUS AFFILIATION

1976-77

	Roman Catholic		Jewish		Lutheran		7th Day Adventist	
	No.	%	No.	%	No.	%	No.	%
Total	473,006		51,534		11,432		3,376	
American Indians, Alaskan Natives, Asia/Pacific Islanders	6,933	1.5	76	0.2	179	1.6	35	1.0
Black	36,058	7.6	81	0.2	4,404	38.5	2,064	61.2
Hispanic	48,967	10.4	68	0.1	461	4.0	564	14.9
White (Non-Hispanic)	381,045	80.5	51,309	99.5	6,388	55.9	773	22.9

questions and situationals. For the latter the respondent was given a set of six reactions to the stated situation, and asked to choose the one that best expressed what he would do given the circumstances described. It was also possible for the respondent to state that he could not or would not reply to the situation presented, but only six or seven percent of the respondents took this option.

The researchers held that since hope was the embodiment of the Christian perspective on life, then if it could be demonstrated that the students were hopeful, it could be argued that the Catholic schools were successful in inculcating its specific value system (1976, p.300). "Hopeful" was defined by the investigators as respondents: "who display some understanding of the existence of evil, while at the same time holding to their belief that the situation will end in a way that is ultimately positive and influenced by a benevolent reality" (p. 285).

Among the results of the NORC research were:

1. The longer the student had attended Catholic school the more hopeful he was likely to be.

2. Parochial school education was more important than parental religiosity in producing hopefulness.

3. Parochial school education had a positive influence on the racial tolerance of the respondents. When combined with the hopefulness factor, the influence was even stronger.

4. Catholic schools tend to produce people who are change-oriented and flexible, but secure both in their world view and in their traditions and values.

5. Parochial schools also produce people who are more tolerant of others and better able to cope with our increasingly diverse society.

6. The more Cathlic schooling a person has the greater the positive effects on him.

7. Ninety percent of the respondents believed that Catholic schools are important and must continue, and 76% believe that the schools and/or parents should receive governmental financial support (Greeley, 1976, p. 239; pp.300-301).

In reviewing these results there comes to mind the interviews conducted by Harold Shane (1977) among secondary students in private and public schools in Great Britain and the United States, to find out what they thought might be done to improve their schools and schooling. Shane summarized their responses as follows:

> Coping, caring, communicating: the three words suggest a premise charged with emotion. The schools youth seek are schools that provide coping skills for facing a world that is often harsh and sometimes frightening; schools that are warmly humane because teachers care; and schools that give an opportunity to communicate inner feelings without fear of ridicule or reprisal (1977, p.69).

Surely the NORC Study indicates that the nonpublic schools have been successful in moving towards the goals described by the students, and are, therefore, making a significant contribution that demands recognition and support. In fact, so far it has been shown that the nonpublic schools manifest educational competence, preserve educational choice for the democracy that is America, promote pluralism by enabling different groups of citizens to use the school to transmit to their children the culture, heritage, ideas and ideals that they hold dear, and provide a unique opportunity for an education that is totally value-oriented. There is no evidence that the nonpublic schools of New York State are divisive or havens for bigotry. Instead there is documentation that they are achieving their aim of producing students who are hopeful, world-viewed, tolerant, flexible and coping.

TABLE 1.9 (Continued)

	Episcopal		Independent		Total Nonpublic		Total Public School	
	No.	%	No.	%	No.	%	No.	%
Total	6,435		68,446		621,013		3,316,319	
American Indians, Alaskan Natives, Asia/Pacific Islanders	193	2.9	1,400	2.0	8,869	1.5	47,034	1.4
Black	1,477	23.0	10,794	15.8	55,329	8.9	571,357	17.2
Hispanic	164	2.6	2,763	4.0	52,981	8.5	354,061	10.7
White (non-Hispanic)	4,601	71.5	53,489	78.2	503,834	81.1	2,343,867	70.7

Edward Fiske recently described in a New York Times article some reasons for the popularity of nonpublic schools in urban areas:

> Three quarters of the parents in one school in the South Bronx stated that the "religion program of the schools is as important as the academic program."
>
> All of the research, though, indicates that the basic element in the appeal of the parochial schools - in ~~inner~~ inner-city areas as well as elsewhere - is educational quality....Parochial schools also produced fewer students in what the state describes as "priority target groups of low achieving pupils."
>
> The sense of order and discipline that has always been the trademark of parochial education (1977, p.45).

Fiske's comments also confirm the recent research that asked 424 female parish leaders from 37 parishes located in Manhattan and the South Bronx in New York City for their reasons for choosing parochial schools for their children. Of the respondents 92% of them said it was the high quality of the academic preparation; 66% said that the school offered not only a safe and disciplined haven for their children, but that the religious atmosphere of the school was an essential element; 89% of them indicated that parochial schools must be preserved at all costs Kealey, 1975, pp.32-35).

Irving Kristol (1974) in an article in the New York Times described the inner-city parochial schools as a whole set of successful schools that no one pays any attention to. He stated further:

> These schools are successful in the most elementary yet crucial terms: There is a long list of parents trying desperately to register their children in these schools, the truancy rate and transfer rates are low, there is less juvenile delinquency, a lower rate of pregnancy among the girls, a lower rate of drug addiction among all students, and

> academic levels tend to be slightly higher than average.
>
> Why are the parochial schools in the ghetto so well regarded? The answer is obvious: they are self-respecting institutions, demanding institutions, with standards that students are expected to meet....By making such demands upon their students, they cause their students to make demands upon themselves - and, most important, cause their students to realize that the only true moral and intellectual "development" occurs when you do make demands upon yourself. And this - the habit of making demands upon ourselves - is something that we learn from being taught it, by precept and by example (1974, p.137)

George Harris, writing in Psychology Today, also pleads the cause of the parochial inner-city school. He deplores their closing because they have been so successful for the black ghetto child. Harris plaintively notes that although the cost of the parochial inner-city school is a fraction of the cost per pupil in public schools, "still nobody protests or helps" (Harris, 1976,p.4).

In identifying the nonpublic schools' contributions to minorities, their work among another minority, handicapped children, cannot be omitted. Table 1.10 gives the number and types of handicapped children served by the nonpublic schools in 1975-76. The handicaps reported include both the severely and the moderately handicapped. The table also includes the students attending the two nonpublic schools for the blind, the nine schools for the deaf, and the Human Resource School for the severely physically handicapped.

Costs And The Nonpublic Schools

A consideration of the role and significance of nonpublic schools must include an examination of their costs. These include

TABLE 1.10

HANDICAPPED STUDENTS SERVED BY THE NONPUBLIC SCHOOLS

OF NEW YORK STATE

1975-76

	Roman Catholic	Other Religions	Independent	Totals
Educable Mentally Retarded	501	157	726	1,384
Trainable Mentally Retarded	386	205	2,742	3,333
Emotionally Disturbed	1,551	438	3,088	5,077
Severely Speech Impaired	414	35	291	740
Other Speech Impaired	6,612	794	465	7,871
Deaf	543	247	1,521	2,311
Hard of Hearing	545	67	69	681
Legally Blind	177	27	375	579
Parially Sighted	379	440	54	873
Physically Handicapped	644	65	2,750	3,459
TOTALS	11,752	2,475	12,081	26,308

Source: Information Center in Education; The State Education Department, New York

costs to the State in terms of some funded services to the nonpublic school students, and the costs to the parents and/or sponsoring agency of the nonpublic school.

State Funded Services to Nonpublic Schools. Another chapter of this report describes in detail the services funded by public monies for nonpublic school students. By law these are supposed to include health, speech, psychological and social services equivalent to those provided for public school students in the same school district.

Transportation is also provided for nonpublic school students to their school of attendance for a maximum distance of fifteen miles. Elementary students are eligible for transportation if they live more than two miles from their school of attendance, and secondary students are eligible if they live more than three miles from the school.

Since 1967 school districts were required to loan textbooks to nonpublic school students in grades 7-12. The amount spent on such textbooks was not to exceed ten dollars per student in the designated grades. In 1973 the law was amended to include students from grades kindergarten through grade twelve. In 1977 the amount to be spent per year on such textbooks was raised from ten dollars to fifteen dollars per student.

Other services offered to nonpublic school students include school lunches and some progrms for the handicapped. Table 1.11 provides 1975-76 estimates of public monies spent on nonpublic school students for health and welfare services, transportation and textbook loans.

TABLE 1.11

1975-1976 Estimates of Public Monies

Spent on Nonpublic School Students

Item	Total Amount	Nonpublic School Student Per Capita Expenditure
Health and Welfare[1]	$ 8,388,531.00	$13.50
Transportation[2]	44,067,794.00	70.92
Textbook Loans[3]	6,213,450.00	10.00
Total	$58,669,775.00	$94.42

[1]Source of Estimate: New York State Education Department

[2]Source of Estimate: New York State Education Department

[3]Estimate based on $10.00 multiplied by the total nonpublic school population for 1975-1976.

Nonpublic school costs. Uniform financial data is not available for the nonpublic schools of the State since each group must be self-sustaining and use a variety of means for funding their schools. Chief among these means is tuition although fund raising events, solicitation of gifts and foundation grants, and, in the case of the denominational schools, Church subsidies make a major contribution to the ongoing existence of these schools.

A review of a variety of sources has yielded information that is helpful in gaining a general picture of nonpublic school costs and funding practices. From Erickson (1976) it is learned that at the national level:

1. The Lutheran schools belonging to the Missouri Synod fund 25% of their elementary school costs and 50-75% of their secondary school costs through tuition. The balance is obtained through donations and Church subsidies, and the donation of professional services. For example, over 80% of their teacher aides work without pay (p.25).

2. For the National Union of Christian Schools (NUCS), a Calvinist group, the average cost of elementary education is $800.00 and of secondary education is $900.00 (p.31)

3. Tuition in the Evangelical schools ranges from $500.00 to $800.00 per year with reductions for families with more than one child (p.36).

4. Tuition at the independent schools belonging to the National Association of Independent Schools (NAIS) ranges from $2,000.00 per year for day schools to $4,000.00 per year for boarding schools (p.45).

The National Catholic Education Association (NCEA) Data Bank yielded information on the 1974-75 costs for the Roman Catholic elementary and secondary schools of New York State. Within the State there are eight groupings of these schools to match the eight dioceses or bishoprics in the State. Obviously there are variations in school costs from diocese to diocese. Table 1.12 gives some average cost data for the Roman Catholic schools in the State. Since the NCEA Data Bank did not have complete information on one of the eight dioceses, all of the data from this diocese was omitted when the average computations were made. The diocese omitted was a small one, so the State averages reported should be generally accurate.

Spiers (1977) did a comparative study of the operating expenditures and incomes of elementary schools in ten dioceses across the country for the years 1974-75 and 1975-76. The Archdiocese of New York was one of those studied. Spier's work showed that the average per capita elementary school cost for 1975-76 was $431.00 as compared with the New York State Roman Catholic average reported in Table 1.12 of $366.43. Spiers also points out that $231.00 of the $431.00 spent in the New York Archdiocese came from tuition, fund raising and fees, while $200.00 of it came from parish and/or diocesan subsidy (1977, p.24).

Information from the Archdiocese of New York indicated that for the year 1976-77 the per capita cost of educating an elementary school child had risen to $462.00. For this same year the per capita cost of educating an elementary school student in the New York City public schools was estimated to be $2,607.00 (Fiske, 1977, p.45).

TABLE 1.12

1974-1975 NEW YORK STATE

CATHOLIC SCHOOL FINANCIAL DATA[1]

School Type	Number Schools Reported in Data	Number Students Reported in Data	Average Per Capita Operating Costs
Elementary	976	380,934	$366.43
Secondary	200	125,152	791.28

[1]Source: National Catholic Education Association (NCEA) Data Bank; Washington, D.C., 1977.

The above information provides a general outline of the cost of nonpublic education in the State, but it must be remembered that a large proportion of these costs is born by the parents of the nonpublic school child. In denominational schools where there is a large Church subsidy, it must be realized that many of the nonpublic school parents who pay tuition also contribute significantly to the Church funds from which the Church school subsidy is derived. Contrary to popular belief the majority of nonpublic school parents are not from the affluent income group. Their incomes do not even approach affluence. National figures indicate that 25% of the families in the northeastern section of the country who send their children to nonpublic elementary schools have less than an annual income of $7,500.00, and 40% of them have less than $10,000 a year. (Golladay, 1977, p. 191) Given the large number of poor families using nonpublic schools in the urban sections of New York State, these percentages could safely be revised upwards for the nonpublic urban parents.

In summary, the nonpublic secondary and elementary schools of the State receive minimal State funding for transportation, textbook loans and some health and welfare services (an average of $94.42 per pupil annually). Although these services are much appreciated by the nonpublic schools, the State monies spent do not help alleviate the parental burden of double educational taxation. Given the fact that the public schools of the State spend from $1,300.00 to $2,600.00 annually to educate a single child, it would certainly be financially more thrifty for the State to be able to subsidize somewhat the cost of educating 15.5%

of its school age population in the nonpublic schools, rather than having to educate these students in public schools at public school costs. While the tide of public opinion is very definitely turning overwhelmingly in support of what the nonpublic schools do, the danger of large numbers of these schools closing and of their students having to enroll in public schools is very much a reality. Fiske (1977) reminds the public of this when he ends his article with the statement: "One issue is whether, despite the demand for parochial schools in poor areas, such schools will be able to continue to find financial support in the future" (p.45).

Supreme Court Decisions and the Nonpublic School. Given the fact that the State can financially support the postsecondary student's choice of an educational institution, it is unbelievable that the Supreme Court's decisions to date have not made it possible for the State to do likewise for the elementary and secondary school student, especially the poor student. New York State Education Department estimates show that in 1975-76 the State's financial aid programs of loans and grants for higher education totaled $344 million dollars. These monies were spent on 483,000 students who used the monies at educational institutions of their choice - public, independent, denominational (1977, p.1).

What is most disturbing is that the habit of discriminating against elementary and secondary school students and their parents seems to be ingrained in the minds of too many of those charged with responsibility for setting educational policy or for ensuring that governmental action is not discriminatory. For example, in the publications of the Aspen Institute for Humanistic

Studies the Institute purposes are stated as: "For more than a quarter of a century it [Aspen Institute] has brought together leading citizens from the public and private sectors in the United States and throughout the world to consider, from a human-centered point of view, interrelated issues of contemporary society" (1977). One of the Institute's programs is "Education for a Changing Society," directed by Francis Keppel, former United States Commissioner of Education. In the "foreword" of one of his recent publications Keppel states that his program has two general categories of concern, the social context of education and the finance and governance of education. Papers in these categories were prepared by scholars and reviewed by their peers in the spring of 1975 and 1976 before publication in 1977. Ten of these papers were prepared, but NONE of them dealt with nonpublic education below the postsecondary level. Yet these papers will be made available to governmental and private policy groups at all levels in order to help them formulate alternative solutions to major national issues, one of which is education, in the decades ahead. In a society where its leading thinkers and scholars pride themselves on being minority conscious, how can 15.5% of New York State's school population and 10.3% of the nation's school population not even be given a consideration!

What is needed is a clamoring for scholars like Stephen Arons to be included in national "think-tanks" like the Aspen Institute. For here is a person sensitive to the fact that governmental neglect of parental choice of education leads to governmental discrimination. A reading of his careful research of the relation between government and the lack of financing of parental

choice of alternative education reveals that the Supreme Court's recent decisions that forms of parochiaid to parents are unconstitutional may themselves be unconstitutional because such decisions my be judged discriminatory:

> The present state-created system of compulsory attendance and public financing has the effect of preserving the ability of the affluent to attend private schools of their choice, while compelling virtually all others to attend free public schools. The poor are effectively denied their right of choice because they can neither afford to exercise choice nor refuse to attend school. The state has created a category of parents who, solely by reason of their economic status, must subject their children to upwards of six hours a day of state-approved socialization they would not have chosen themselves(Arons, 1976, p. 101).

The views of scholars like Stephen Arons may be looked upon whith disfavor by the opponents of nonpublic education, but eventually in America the voice of the people and the voice of justice will be heard. For the Supreme Court is human and as such is subject to error, error that may well derive from personal preferences that tend to cloud the Court's objectivity. Justice Harlan Stone (1936) expressed this concern at the end of his long career with the Supreme Court:

> My more conservative brethren in the old days (read their preferences into legislation and) into the Constitution as well....The pendulum has now swung to the other extreme and history is repeating itself. The Supreme [Court] is now in as much danger of becoming a legislative and Constitution-making body, enacting into law its own predilections, as it was then (Mendelson, 1967, p. 136).

The most striking example of the Court's ability to err was its 1857 action supporting the terrible injustice of slavery with its infamous Dred Scott Decision. It took the thirteenth, fourteenth and fifteenth amendments to remedy this injustice.

Another example of how the Court's adherence to the letter of the law can destroy the law's spirit with devastating effects on the populace, was one of the Court's 1918 decisions. At this time it invalidated the first federal Child Labor Law that forbade the transportation in "interstate or foreign commerce" of products mined or manufactured by children younger than a certain age. The reasoning used by the Court was that Congress could legislate for interstate transportation, but that the matter of manufacture was a local regulation. Pollak (1966) in critiquing the Court's decision said that it was the result of the Court not being in tune with the intent of the law: "But it is peculiarly distressing to find judges attempting to fulfill their most sensitive responsibility - passing constitutional judgment on a piece of major national legislation - without knowing what the Congress had in mind" (p.318).

If the Supreme Court can err on major issues, and parental choice in education is such an issue, then all there remains for the Court's errors to chip away at human rights is for "good man and State educational policy makers to do nothing." First the public must be made aware of the role and significane of the non-public schools to the life of this State and of this nation. Then the public must be aroused to the injustice that is being done to the parents of America who choose, or who would like to choose, a quality alternative to government sponsored education for their children.

SUMMARY

The role and significance of nonpublic elementary and secondary schools in New York State can be summarized as follows:

1. The nonpublic schools of the State spare the taxpayers the cost of educating, at public school rates, 15.5% of the State's elementary and secondary school population.

2. The future of nonpublic schools of the State looks good. This projection is based on nonpublic school enrollment trend data that reveals a current stabilization of enrollment, and on recent information indicating that future enrollments are expected to increase.

3. Stabilized and increased nonpublic school enrollments mean increasing numbers of State parents agitated about being financially penalized for exercising their constitutional right to free choice in education.

4. The number of national, state and local groups that are being organized or are expanding to promote the nonpublic schools is growing. Many of these groups want to remove from the United States the stigma of being the only major free world nation that does not subsidize parental educational choice.

5. The nonpublic schools of the State provide quality education in programs that satisfy the State's compulsory education requirements.

6. The nonpublic schools preserve diversity of educational opportunity in the State.

7. The nonpublic schools enable the varied heritages and ethnic values of its pluralistic citizenry to be passed on from

generation to generation in a manner deemed suitable by the religious, ethnic or racial groups concerned with these schools.

8. The nonpublic schools provide an integrated approach to the development of the "Whole" student - intellectually, socially, emotionally, physically, morally and spiritually.

9. The nonpublic schools provide a value-oriented education that produces students who are hopeful, world-viewed, tolerant, and open to change while preserving their traditions and values.

10. The nonpublic schools contribute to the well being of the State's urban areas by successfully educating the ghetto youngster, and by stemming the flight from the Cities of the white non-Hispanic population.

11. The nonpublic schools contribute to the education of the State's handicapped youngsters. If the numbers of such students are not as large as they might be, it is due to the fact that the regular nonpublic schools do not have tax monies from which to draw to provide the special but expensive services that these students require.

12. While there is an increasing desire for nonpublic schools and these schools significantly contribute to the well being of the State and the nation, their future is endangered. Public opinion must be aroused and the Supreme Court must be convinced that its interpretation of the letter of the law discriminates against American parents who wish to exercise their right to choose an alternative to public education.

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